

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 8, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09OD-052

OAHU

Grant of a Perpetual, Non-Exclusive Easement to the City and County of
Honolulu for Drainage Purposes; Kamananui, Waialua, Oahu; Tax Map Key: (1)
6-7-015: seaward of 039

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located seaward of Kamananui, Waialua, Oahu; Tax
Map Key: (1) 6-7-015: seaward of 039, as shown on the attached map labeled
Exhibit A.

AREA:

To be determined by DAGS Survey Division.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO x

CURRENT USE STATUS:

Unencumbered with a portion of a drainage pipeline.

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair and replace and remove a drainage pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

EASEMENT TERM:

Perpetual

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The location of the subject drainage pipeline abuts Lot 1-A- 40 of Map 40, of Land Court Application 1089. Further, Lot 1-A-40 includes a drainage pipeline, identified as Easement 30 that connects to the subject drainage pipeline flowing seaward. Staff's research indicates that Map 40 was approved in September 1959. Therefore, staff reasonably concludes that the connecting drainage pipelines were built within the same time period; prior to 1974 the enactment date of Chapter 343, Hawaii Revised Statutes.

DCCA VERIFICATION:

Not applicable. Governmental Agency

APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

During the shoreline certification process of the abutting private property, the subject

encroachment was discovered. The City and County of Honolulu requests an easement for this drainage facility.

The Office of Conservation and Coastal Lands have no objections provided no work is being contemplated. It is staffs understanding that the Applicant has no plans for performing any work there.

Since 1974, there has been no change in the use of the subject State land.

The Department of Health, Division of Aquatic Resources, Commission on Water Resource Management, Department of Facilities Maintenance and the Office of Hawaiian Affairs were solicited for comments, but have not responded as of the suspense date of this request.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance. Staff also recommends that the Board authorize the issuance of a management right-of-entry pending the issuance of the easement.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu, covering the subject area for drainage purposes, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a management right-of-entry to the City and County of

Honolulu, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

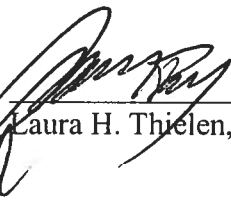
- A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



 Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



POR. KAMANANUI, WAIALUA, OAHU. POR. LD. CT. APR. 1089, MAP 40. POR. "LUANA ACRES" (formerly por. 6-7-01).

SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSIONER			
TAXATION MAPS BUREAU			
TAX MAP			
DATE	FILE	REVISION	BY
6	7	15	JAL
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	10/21/89	AS SHOWN	JLS

